

1 THE HONORABLE JOHN H. CHUN
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FEDERAL TRADE COMMISSION,
STATE OF NEW YORK, STATE OF
CONNECTICUT, COMMONWEALTH OF
PENNSYLVANIA, STATE OF DELAWARE,
STATE OF MAINE, STATE OF MARYLAND,
COMMONWEALTH OF MASSACHUSETTS,
STATE OF MICHIGAN, STATE OF
MINNESOTA, STATE OF NEVADA, STATE
OF NEW HAMPSHIRE, STATE OF NEW
JERSEY, STATE OF NEW MEXICO, STATE
OF OKLAHOMA, STATE OF OREGON,
STATE OF RHODE ISLAND, and STATE OF
WISCONSIN,

17 Plaintiffs,
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19 v.
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21 AMAZON.COM, INC., a corporation,
22
Defendant.

Case No. 2:23-cv-01495-JHC

**DEFENDANT'S UNOPPOSED
MOTION TO SEAL EXHIBIT B TO
THE DECLARATION OF CAROL J.
PRUSKI**

NOTE ON MOTION CALENDAR:
October 27, 2023

23 **I. INTRODUCTION & BACKGROUND**

24 Pursuant to Local Civil Rule 5(g), Defendant Amazon.com, Inc. ("Amazon") respectfully
25 requests that the Court seal Exhibit B to the Declaration of Carol J. Pruski ("Pruski Decl."), filed
26 in support of Amazon's Unopposed Motion to Seal Commercially Sensitive Information

Contained in the Complaint (“Motion to Seal”). Exhibit B is a partially unredacted version of the Complaint that is currently temporary seal, with highlighting to show Amazon’s proposed redactions. As such, publicly filing it on the docket would therefore reveal what Amazon contemporaneously moves the Court to seal. On October 27, 2023, counsel for Plaintiffs, including Daniel Schwartz, Danielle Quinn, Lily Rudy, Daniel Principato, and Tim Smith—and counsel for Amazon—Kevin Hodges and Carol J. Pruski—conferred via email regarding the need to file Exhibit B under seal. Plaintiffs do not oppose Amazon’s Motion.

II. ARGUMENT & AUTHORITY

As outlined in Amazon’s Motion to Seal, Courts have long recognized that “business information that might harm a litigant’s competitive standing” should be sealed. *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978). While “[t]here is a strong presumption of public access to the court’s files,” LCR 5(g), that presumption may be overcome when a party presents compelling reasons for maintaining confidentiality that outweighs the public’s interest in disclosure. *Kamakana v. City & Cty. Of Honolulu*, 447 F.3d 1172, 1176 (9th Cir. 2006). Publicly disclosing the information contained in Exhibit B—namely, the material Amazon seeks to permanently seal in Plaintiffs’ Complaint—would force Amazon to disclose highly confidential and competitively sensitive information which could cause significant harm to Amazon, as its competitors would gain access to Amazon’s proprietary internal processes and its confidential business metrics. See Motion to Seal, Section III.B; LCR 5(g)(3).

III. CONCLUSION

For the foregoing reasons, Amazon respectfully requests that Exhibit B to the Pruski Declaration be permanently sealed.

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DATED this 27th day of October, 2023.
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3 *I certify that this memorandum contains 306*
4 *words, in compliance with the Local Civil Rules.*

5 **MORGAN, LEWIS & BOCKIUS LLP**
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